

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1471

**Introduced by Assembly Member Feuer
(Principal coauthor: Assembly Member DeSaulnier)**

February 23, 2007

An act to amend Section 12126 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1471, as amended, Feuer. Firearms: microstamping.

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified.

This bill, *the Crime Gun Identification Act of 2007*, would, commencing January 1, 2010, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched ~~into~~ *in two or more places on* the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.

By expanding the definition of “unsafe handgun,” the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited as, the*
2 *Crime Gun Identification Act of 2007.*

3 ~~SECTION 1.~~

4 SEC. 2. Section 12126 of the Penal Code is amended to read:
5 12126. As used in this chapter, “unsafe handgun” means any
6 pistol, revolver, or other firearm capable of being concealed upon
7 the person, as defined in subdivision (a) of Section 12001, for
8 which any of the following is true:

9 (a) For a revolver:

10 (1) It does not have a safety device that, either automatically in
11 the case of a double-action firing mechanism, or by manual
12 operation in the case of a single-action firing mechanism, causes
13 the hammer to retract to a point where the firing pin does not rest
14 upon the primer of the cartridge.

15 (2) It does not meet the firing requirement for handguns pursuant
16 to Section 12127.

17 (3) It does not meet the drop safety requirement for handguns
18 pursuant to Section 12128.

19 (b) For a pistol:

20 (1) It does not have a positive manually operated safety device,
21 as determined by standards relating to imported guns promulgated
22 by the federal Bureau of Alcohol, Tobacco, and Firearms.

23 (2) It does not meet the firing requirement for handguns pursuant
24 to Section 12127.

25 (3) It does not meet the drop safety requirement for handguns
26 pursuant to Section 12128.

27 (4) Commencing January 1, 2006, for a center fire
28 semiautomatic pistol that is not already listed on the roster pursuant
29 to Section 12131, it does not have either a chamber load indicator,
30 or a magazine disconnect mechanism.

31 (5) Commencing January 1, 2007, for all center fire
32 semiautomatic pistols that are not already listed on the roster
33 pursuant to Section 12131, it does not have both a chamber load

1 indicator and if it has a detachable magazine, a magazine
2 disconnect mechanism.

3 (6) Commencing January 1, 2006, for all rimfire semiautomatic
4 pistols that are not already listed on the roster pursuant to Section
5 12131, it does not have a magazine disconnect mechanism, if it
6 has a detachable magazine.

7 (7) Commencing January 1, 2010, for all semiautomatic pistols
8 that are not already listed on the roster pursuant to Section 12131,
9 it is not designed and equipped with a microscopic array of
10 characters that identify the make, model, and serial number of the
11 pistol, etched or otherwise imprinted ~~onto~~ *in two or more places*
12 *on* the interior surface or internal working parts of the pistol, and
13 that are transferred by imprinting on each cartridge case when the
14 firearm is fired.

15 (c) As used in this section, a “chamber load indicator” means
16 a device that plainly indicates that a cartridge is in the firing
17 chamber. A device satisfies this definition if it is readily visible,
18 has incorporated or adjacent explanatory text or graphics, or both,
19 and is designed and intended to indicate to a reasonably foreseeable
20 adult user of the pistol, without requiring the user to refer to a
21 user’s manual or any other resource other than the pistol itself,
22 whether a cartridge is in the firing chamber.

23 (d) As used in this section, a “magazine disconnect mechanism”
24 means a mechanism that prevents a semiautomatic pistol that has
25 a detachable magazine from operating to strike the primer of
26 ammunition in the firing chamber when a detachable magazine is
27 not inserted in the semiautomatic pistol.

28 (e) As used in this section, a “semiautomatic pistol” means a
29 pistol, as defined in subdivision (a) of Section 12001, the operating
30 mode of which uses the energy of the explosive in a fixed cartridge
31 to extract a fired cartridge and chamber a fresh cartridge with each
32 single pull of the trigger.

33 ~~SEC. 2.~~

34 *SEC. 3.* No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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